

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Kimberly Diesel, individually and on behalf of
all others similarly situated,

Plaintiff,

- against -

Mariani Packing Company, Inc.,

Defendant

4:22-cv-01368-AGF

Plaintiff's Motion
for Class Certification

Upon the accompanying Memorandum of Law in Support and Accompanying Exhibits; all papers on file in the above-captioned action; and, such further evidence as the Court may require, Plaintiff will move this Court, before the Honorable Sr. District Judge Audrey G. Fleissig, at the Eastern District of Missouri Courthouse, on a date and time the Court will determine, for an Order pursuant to Federal Rules of Civil Procedure 23(a), (b), and (c):

1. Certifying all persons who purchased the Vanilla Yogurt Raisins in seven ounce packages sold by Private Selection Smoked Gouda Slices ("Product") sold by Mariani Packing Company, Inc. ("Defendant") in Missouri between November 14, 2017, through the present, excluding the judge or magistrate assigned to this case; Defendant; any entity in which Defendant has a controlling interest; Defendant's officers, directors, legal representatives, successors, and assigns; and persons who purchased the Product for the purpose of resale;
2. Appointing Kimberly Diesel as representative of the Class; and
3. Appointing the Harvath Law Group, LLC and Sheehan & Associates, P.C., as Class Counsel.

Dated: November 13, 2023

Respectfully submitted,

/s/ Daniel F. Harvath

Harvath Law Group, LLC
75 W Lockwood Ave Ste 1
Webster Groves MO 63119
(314) 550-3717
dharvath@harvathlawgroup.com

Sheehan & Associates, P.C.
Spencer Sheehan*
60 Cuttermill Rd Ste 412
Great Neck NY 11021
(516) 268-7080
spencer@spencersheehan.com

**Pro Hac Vice* forthcoming

Counsel for Plaintiff

Certificate of Service

I certify that on November 14, 2023, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Daniel Harvath